INDEX

	Page
Statement	2
Argument	6
Conclusion	14
Appendix	15

CITATIONS

Cases:

Armour Packing Co. v. *United States*, 209 U.S. 56	7, 12
Beal v. *Missouri Pacific R. Co.*, 312 U.S. 45	13
Blackmer v. *United States*, 284 U.S. 421	13
Cline v. *Frink Dairy Co.*, 274 U.S. 445	13
Dombrowski v. *Pfister*, 380 U.S. 479	13
Ginzburg v. *United States*, 383 U.S. 463	7
Hagner v. *United States*, 285 U.S. 427	7
Hygrade Provision Co. v. *Sherman*, 266 U.S. 497	13
Jacobellis v. *Ohio*, 378 U.S. 184	11
Jeffrey Mfg. Co. v. *Blagg*, 235 U.S. 571	13
Manual Enterprises v. *Day*, 370 U.S. 478	11
Packard v. *Banton*, 264 U.S. 140	13
Palliser, In re, 136 U.S. 256	11
Redrup v. *New York*, 386 U.S. 767	11
Reed Enterprises v. *Corcoran*, 354 F. 2d 519	5
Roth v. *United States*, 354 U.S. 476	9, 10
Salinger v. *Loisel*, 265 U.S. 224	7
Spielman Motor Co. v. *Dodge*, 295 U.S. 89	13
Toscano v. *Olesen*, 184 F. Supp. 296	7
Travis v. *United States*, 364 U.S. 631	7
United States v. *Frew*, 187 F. Supp. 500	7, 12
United States v. *Johnson*, 323 U.S. 273	7, 8, 12
United States v. *Luros*, 253 F. Supp. 160, reversed on other grounds, C.A. 8, Nos. 18, 707–18, 711, decided February 7, 1968	7
United States v. *Ross*, 205 F. 2d 619	3, 4
United States v. *Sorce*, 308 F. 2d 299	7
United States v. *West Coast News Co.*, 30 F.R.D. 13, affirmed, 357 F. 2d 855, reversed on other grounds *sub nom. Aday* v. *United States*, 388 U.S. 447	4, 7

293-067—68——1

Cases—Continued

	Page
United States v. *Wurzbach*, 280 U.S. 396	13
Virginian Ry. v. *Federation*, 300 U.S. 515	13
Yazoo & Mississippi Valley R. Co. v. *Jackson Vinegar Co.*, 226 U.S. 217	13

Constitutional provisions, statutes, and rule:

United States Constitution:	
First Amendment	4, 5, 6, 8, 9
Fifth Amendment	5
Sixth Amendment	5
Act of August 28, 1958 (Public Law 85–796), §§ 1 and 2(a), 72 Stat. 962	4, 15
18 U.S.C. 1461	2, 3, 4, 6, 15
18 U.S.C. 1462	2, 4, 6, 16
18 U.S.C. 3237(a)	2, 3, 6, 8, 16
18 U.S.C. (1952 ed.) 1461	2, 4, 15
18 U.S.C. (1952 ed.) 1462	3, 4, 15
18 U.S.C. (1952 ed.) 3237	3
28 U.S.C. 2282	2, 5
28 U.S.C. 2284	5
Rule 21(b), F. R. Crim. P	14

Miscellaneous:

104 Cong. Rec. 8991–8992, 8994	4
H. Rep. No. 1614, 85th Cong., 2d Sess.	4
H. Rep. No. 2624, 85th Cong., 2d Sess.	4
S. Rep. No. 1839, 85th Cong., 2d Sess.	4

In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 1092

REED ENTERPRISES, ET AL., APPELLANTS

v.

RAMSEY CLARK, ET AL.

MILTON LUROS, ET AL., APPELLANTS

v.

RAMSEY CLARK, ET AL.

SANFORD ELESTEL ADAY, APPELLANTS

v.

RAMSEY CLARK, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MOTION TO AFFIRM

Pursuant to Rule 16(1)(c) of the Rules of this Court, appellees move that the judgment of the district court be affirmed.

STATEMENT

This is a direct appeal from an order of a three-judge district court, entered on October 26, 1967, granting the motion of appellees (the Attorney General and several of his assistants who aid in the enforcement of the federal obscenity laws) for summary judgment in each of these consolidated actions. Appellants are publishers and distributors of books and magazines which have been characterized by their attorney in these proceedings as "borderline or marginal" with respect to those laws (J.S. App. A, 3). Pursuant to 28 U.S.C. 2282, they had sought to enjoin the enforcement of 18 U.S.C. 1461 (proscribing the use of the mails to transport obscene matter) and 18 U.S.C. 1462 (forbidding the use of common carriers for the interstate carriage of such matter) to the extent that—read in conjunction with the general federal venue provision applicable to offenses involving use of the mails and interstate facilities (18 U.S.C. 3237(a))—the statutes permit prosecutions to be brought in districts other than those in which the allegedly offensive materials are placed in the mail or deposited with the carrier.[1] It was contended that, insofar as the statutes authorize this, they are unconstitutional.

1. Prior to 1958, 18 U.S.C. 1461 provided for the punishment of anyone who knowingly "deposits for mailing or delivery" any material declared by the section to be nonmailable (such material including

[1] The pertinent statutory provisions appear in the Appendix, *infra*, pp. 15–16.

anything that was obscene) (18 U.S.C. (1952 ed.) 1461). 18 U.S.C. 1462 provided for the punishment of anyone who knowingly "deposits with any express company or other common carrier, for carriage in interstate or foreign commerce", any obscene matter (18 U.S.C. (1952 ed.) 1462). Then, as now, a general venue statute applicable to offenses involving use of the mails or the facilities of commerce (18 U.S.C. (1952 ed.) 3237, now 18 U.S.C. 3237(a)) provided:

> Any offense involving the use of the mails, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves.

In 1953, notwithstanding this explicit venue provision, the Court of Appeals for the Tenth Circuit, in *United States* v. *Ross*, 205 F. 2d 619, held that a prosecution under 18 U.S.C. 1461 for depositing nonmailable matter in the mail in one district for delivery in another district could be brought only in the district of mailing. Distinguishing between a "deposit for mailing" (the term used in Section 1461) and "use of the mails" (the phrase used in the venue statute), the court held that the offense charged was complete when the offensive matter was placed in the mail; that no "use of the mails" (and hence no "continuing act") was involved; and that as a consequence the venue statute was inapplicable (205 F. 2d at 620-621). The court, accordingly, sustained the dismissal of an indictment which had been returned in the District of Kansas

for the offense of depositing nonmailable matter in the mail in California for delivery in Kansas.

To overcome the effect of the *Ross* decision, Congress, in 1958, amended 18 U.S.C. 1461 by substituting the words "uses the mails for the mailing, carriage in the mails, or delivery of * * *" in place of "deposits for mailing or delivery * * *". At the same time it amended 18 U.S.C. 1462 by substituting "uses * * *" for "deposits with * * *". Act of August 28, 1958 (Public Law 85–796), §§ 1 and 2(a), 72 Stat. 962 (Appendix, *infra*, p. 15). The legislative history of the 1958 Act shows (and appellants do not dispute) that Congress's purpose in effecting these changes was to make the above-quoted general venue provision applicable to offenses charged under those sections.[2]

2. In 1965, each of the three groups of appellants involved in these cases filed in the United States District Court for the District of Columbia a separate complaint for injunctive and declaratory relief alleging that 18 U.S.C. 1461 and 1462, as thus amended in 1958, violated their constitutional rights in that, *inter alia*, the statutes abridged their First Amendment rights of freedom of speech and of the press and, by purportedly authorizing arbitrary forum-picking by federal prosecutors and the institution of multiple prosecutions relating to identical materials in districts

[2] H. Rep. No. 1614, 85th Cong., 2d Sess.; S. Rep. No. 1839, 85th Cong., 2d Sess.; H. Rep. No. 2624, 85th Cong., 2d Sess. (conference report); 104 Cong. Rec. 8991–8992, 8994. The pertinent legislative history is reviewed by the court below at J.S. App. A, 12–14. See also *United States* v. *West Coast News Co.*, 30 F.R.D. 13, 18–19 (W.D. Mich.), affirmed, 357 F. 2d 855 (C.A. 6), reversed on other grounds *sub nom. Aday* v. *United States*, 388 U.S. 447.

far removed from the residences and places of business of alleged violators, were repugnant to the due process and fair trial provisions of the Fifth and Sixth Amendments. It was alleged that it was the intention of appellees to initiate criminal prosecutions under the statutes throughout the United States and in locations far from appellants' principal places of business; that such prosecutions would involve them in a multiplicity of legal proceedings, destroy their good will and property, and exhaust their physical and financial resources; and that as a consequence they would suffer irreparable damage for which they had no adequate remedy at law. Each appellant prayed for a declaration that the statutes as amended violate the First, Fifth, and Sixth Amendments; for an injunction restraining appellees from enforcing them; and for the convocation of a three-judge court pursuant to 28 U.S.C. 2282 and 2284 (J.S. 4–6; J.S. App. B, 25–26).

In the first two of these cases (*Reed Enterprises, et al.* and *Milton Luros, et al.*), the applications for the convening of a three-judge court were initially denied by single district judges (J.S. App. A, 1). On December 2, 1965, the Court of Appeals for the District of Columbia Circuit, in consolidated mandamus proceedings brought by the plaintiffs in those cases, ordered that a three-judge court be convened to consider the issues raised. *Reed Enterprises* v. *Corcoran*, 354 F. 2d 519 (J.S. App. B). The third of the three present cases (*Sanford Elestel Aday, et al.*), in which identical issues were presented, was initially filed in the district court on the day on which the court of

appeals' mandamus judgment was entered. A three-judge court was thereafter convened and all three cases were consolidated for decision (J.S. App. A, 1). At the hearing on cross-motions for summary judgment, appellants narrowed their constitutional attack to the claim that 18 U.S.C. 1461 and 1462, as amended in 1958, "are unconstitutional on their face" (J.S. App. A, 4–5).[3] Holding the claim to be without merit (J.S. App. A, 21), the court granted appellees' motion for summary judgment (J.S. App. A).

ARGUMENT

The instant appeal presents no question warranting plenary consideration by this Court. The issue is a simple one—whether Congress can constitutionally make the offense of using the mails or the facilities of interstate commerce to transport obscene materials subject to prosecution, like any other offense involving the use of these instruments, "in any district from, through, or into which such commerce or mail matter moves" (18 U.S.C. 3237(a)). The district court correctly held that neither the First Amendment nor any other provision of the Constitution prevented Congress from making this general venue statute applicable to obscenity offenses in precisely the same man-

[3] The court observed that appellants had been constrained thus to narrow the issue for the reason that, as reflected by the stipulated facts giving the details of past and pending prosecutions involving them (see J.S. App. D), appellants were able to "allege only a *potential* threat of prosecution in multiple districts and a *potential* objective of depriving them of their constitutional rights * * *" (J.S. App. A, 5; emphasis by the court).

ner in which it applies to other ~~commerce-related~~ crimes involving commerce or use of the mails.[4]

1. It is clear that for any ordinary offense which because of its "continuing" nature is capable of being committed in more than one district—including, typically, all ordinary offenses involving the use of the mails or of the instrumentalities of commerce—Congress has the power to prescribe (or to authorize the enforcement authorities to select) the district in which the offense shall be prosecuted. *Travis* v. *United States,* 364 U.S. 631, 634–635; *United States* v. *Johnson,* 323 U.S. 273, 274–275; *Salinger* v. *Loisel,* 265 U.S. 224, 232–235; *Armour Packing Co.* v. *United States,* 209 U.S. 56, 72–77; *United States* v. *Sorce,* 308 F. 2d 299, 300–301 (C.A. 4) cf. *Hagner* v. *United States,* 285 U.S. 427. Thus, in *United States* v. *Johnson, supra,* involving the question whether violations of the Federal Denture Act (using the mails or the facilities of commerce to send into any State a denture not cast by a person licensed to practice dentistry therein) could be prosecuted in the district *to* which, or only in the district *from* which, the ob-

[4] Every other court that has had occasion to consider the question has agreed. *United States* v. *West Coast News Co.,* 30 F.R.D. 13, 20–24 (W.D. Mich.), affirmed, 357 F. 2d 855, 861 (C.A. 6), reversed on other grounds *sub nom. Aday* v. *United States,* 388 U.S. 447; *United States* v. *Lyros,* 243 F. Supp. 160, 167–168 (N.D. Iowa), reversed on other grounds, C.A. 8, Nos. 18,707–18,711, decided February 7, 1968; *United States* v. *Frew,* 187 F. Supp. 500, 507 (E.D. Mich.); *Toscano* v. *Olesen,* 184 F. Supp. 296, 297 (S.D. Calif.). And see Mr. Justice Black's *obiter* observation in *Ginzburg* v. *United States,* 383 U.S. 463, 480 (dissenting): "[O]ne must remember that the Federal Government has the power to try a man for mailing obscene matter in a court 3,000 miles from his home."

jectionable denture had been mailed,[5] the Court observed (323 U.S. at 274):

> Must these appellees be tried in the Northern district of Illinois [the place of mailing] or may they be tried in the district of any State through which the dentures were carried including Delaware, the place of delivery? Has Congress authorized such discretion in the enforcement of this Act? If it has, there is an end to the matter, for Congress may constitutionally make the practices which led to the Federal Denture Act triable in any federal district through which an offending denture is transported. * * *

"By utilizing the doctrine of a continuing offense," the Court further noted (*id.* at 275),

> Congress may * * * provide that the locality of a crime shall extend over the whole area through which force propelled by an offender operates. Thus, an illegal use of the mails or of other instruments of commerce may subject the user to prosecution in the district where he sent the goods, or in the district of their arrival, or in any intervening district. * * *

Accordingly, in light of this line of authority, the only question posed by this case is whether the fact that the obscenity statutes touch on the area of protected expression under the First Amendment requires a different result. In substance, the issue is whether this factor precludes Congress from doing in this area what it plainly is free to do with respect to all other criminal statutes regulating use of the mails

---

[5] The *Johnson* case arose before the enactment of the provision of 18 U.S.C. 3237(a) which is involved here. The decision, in fact, was the occasion for the provision's enactment (see Reviser's Note).

and the channels of commerce—fix the venue for prosecutions thereunder in any district in which the continuing offense was committed.

The substance of appellants' argument is that the existence and potential use of the government's authority to select venue in obscenity prosecutions has an *in terrorem* effect which may intimidate publishers and sellers of books from exercising to the full their First Amendment rights. It is difficult at best, they say, to defend in the field of obscenity, where the standards and concepts are necessarily vague, but when additionally a potential violator is required to meet the economic burden of defense away from home and the uncertainty that is implicit when juries in different and possibly widely separated jurisdictions are required to decide what is obscene, the combination of factors fosters undue self-censorship and makes inaccessible to the public constitutionally protected expression (J.S. 19–27; see J.S. App. A, 16).

However, as the court below pointed out, the primary basis for the self-censorship which publishers and book dealers exercise lies in the obscenity statutes themselves, the validity of which was sustained in *Roth* v. *United States*, 354 U.S. 476, as against challenges based in large part on First Amendment grounds (J.S. App. A, 18–19). It is evident that the very existence of laws against obscenity induces some degree of self-censorship; this indeed is their purpose. Thus, the question is not whether the venue amendments induce self-censorship but whether they "increased the existing pressures toward self-censorship

to a constitutionally unacceptable degree" (J.S. App. A, 20–21). We submit that, as the court below held, they clearly did not. At least in a constitutional sense, any increase in self-censorship attributable to the 1958 venue amendments was "at most ancillary and *de minimis*" (J.S. App. A, 21), for "if a publisher is going to feel restrained, it will be out of fear of *any* prosecution rather than fear of prosecution in other than his home district" (*ibid.;* emphasis by the court).

2. Appellants argue that it is unreasonable to impose on publishers and distributors of books dealing with sex the risk of deciding on which side of the line separating the obscene from the acceptable a jury in a locality far removed from their homes will place a particular publication (J.S. 25–27). This risk is one, however, that inheres in the jury system itself. Cf. *Roth* v. *United States,* 354 U. 476, 492, n. 30. It is not fundamentally different from the risk a potential violator must assume even if he could be sure he would be tried in his vicinage. Wherever the trial is held, the standard to be applied by the jury as to what constitutes obscenity in a particular case is, as the court below pointed out, "a *uniform* and constitutionally sufficient" one (J.S. App. A, 19; emphasis by the court). The jury's findings (if the case reaches that stage) are of course subject to the trial judge's limiting instructions, patterned on this Court's relevant decisions. If conviction results, the findings are subject to further scrutiny by the appellate courts, including, if appropriate, review by this Court. This Court's ob-

scenity decisions give scant support to the expressed fears of appellants that good-faith disseminators of materials dealing with sex face financial ruin at the hands of juries the country over if the venue amendments they challenge are upheld. See, *e.g.*, *Manual Enterprises* v. *Day*, 370 U.S. 478, 488; *Jacobellis* v. *Ohio*, 378 U.S. 184, 192–195; *Redrup* v. *New York*, 386 U.S. 767, 770–771. In *Redrup* the Court indicated that the three-element standard of obscenity developed in earlier decisions (dominant appeal to prurient interest, patent offensiveness, and utter lack of redeeming social value) is a constitutional one which all juries throughout the United States must apply to the evidence when passing on the issue of obscenity. Under these decisions it is evident that the area of possible disagreement among juries in different parts of the country as to what is obscene has been significantly narrowed.

3. It is evident that such harm as is caused by obscene publications is sustained in the communities where they are disseminated, not primarily where they are deposited for mailing or delivered to the carrier for shipment. It would be anomalous, therefore, if the disseminators of such materials could be constitutionally proceeded against *only* in the district where they performed the relatively innocuous act of placing the materials in the mails or starting them on their interstate journey. Cf. *In re Palliser*, 136 U.S. 257, 266–268. Since it is the residents of the districts where distribution occurs who are primarily affected by the offensive matter, a jury drawn from one of those districts would manifestly constitute a more appropriate tribunal than one drawn from the district

where the materials first chanced to enter the channels of commerce, and whose residents might have little interest in prosecuting the offender.

4. As a consequence of the 1958 amendments to the obscenity laws, use of the mails or of interstate facilities to carry obscene material is theoretically subject to prosecution in any district *through* which as well as any district *from* or *into* which the commerce or mailed matter moves. This is true, not in consequence of any provision peculiar to the obscenity laws, but because the general venue statute applicable to mail and commerce offenses—which the 1958 amendments made applicable to obscenity violations—so provides. At least so far as any prosecution under the obscenity laws is concerned, however, no use has ever been made of the *in transitu* venue provision, and none is contemplated by the government. While we do not question its validity (see *Armour Packing Co.* v. *United States,* 209 U.S. 56, 72–77;[6] *United States* v. *Johnson,* 323 U.S., 273, 274–275), it is appropriate to suggest, in view of the unlikelihood of its ever being used in the obscenity context, that it will be time enough to consider its constitutionality when and if an attempt is ever made to utilize it. See *United States* v. *Frew,*

[6] In the *Armour Packing Co.* case, as the court below noted (J.S. App. A, 8–9), this Court affirmed a conviction under the Elkins Act, prohibiting interstate transportation of goods at rates less than those prescribed by regulated tariffs, in a prosecution brought under an *in transitu* provision comparable to the one involved here. The Court observed that "when it [the offense] takes place, whether in one district or another, whether at the beginning, at the end, or in the middle of the journey, *it is equally and at all times committed*" (209 U.S. at 74; emphasis added).

187 F. Supp. 500, 507 (E.D. Mich.). Cf. *Jeffrey Mfg. Co.* v. *Blagg*, 235 U.S. 571, 576; *Yazoo & Mississippi Valley R. Co.* v. *Jackson Vinegar Co.*, 226 U.S. 217, 219–220; *United States* v. *Wurzbach*, 280 U.S. 396, 399; *Blackmer* v. *United States*, 284 U.S. 421, 442; *Virginian Ry.* v. *Federation*, 300 U.S. 515, 558.

5. Except in extraordinary circumstances and to prevent immediate and irreparable loss, equity courts will not interfere to prevent the enforcement of a criminal statute even though the statute is unconstitutional. As observed by this Court in *Spielman Motor Co.* v. *Dodge*, 295 U.S. 89, 95:

> The general rule is that equity will not interfere to prevent the enforcement of a criminal statute even though unconstitutional. * * * To justify such interference there must be exceptional circumstances and a clear showing that an injunction is necessary in order to afford adequate protection of constitutional rights. * * * We have said that it must appear that "the danger of irreparable loss is both great and immediate" * * *.

See also *Beal* v. *Missouri Pacific R. Co.*, 312 U.S. 45, 49; *Cline* v. *Frink Dairy Co.*, 274 U.S. 445, 451–452; *Hygrade Provision Co.* v. *Sherman*, 266 U.S. 497, 500; *Packard* v. *Banton*, 264 U.S. 140, 143. Cf. *Dombrowski* v. *Pfister*, 380 U.S. 479, 486. Appellants have made no showing—quite apart from the insubstantiality of their constitutional challenges on the merits—warranting equitable interference with the normal administration of these statutes. As the district court pointed out, appellants were perforce constrained in that court to narrow their attack to a charge that the statutes

were unconstitutional on their face—because they could allege only a *potential* threat of prosecution in multiple districts and a *potential* objective of depriving them of their constitutional rights (J.S. App. A, 4–5). Nothing in the stipulated facts (J.S. App. D) gives support to a claim that appellants have been victims of harassment or that they have cause for future concern in that regard. Should the future enforcement of these statutes give appellants a basis for reasonable complaint, adequate tools exist for dealing with such a situation when it arises.[1]

CONCLUSION

For the reasons stated, it is respectfully submitted that the judgment of the court below should be summarily affirmed.

ERWIN N. GRISWOLD,
Solicitor General.
FRED M. VINSON, Jr.,
Assistant Attorney General.
PHILIP R. MONAHAN,
Attorney.

MARCH 1968.

---

[1] See, *e.g.*, Rule 21(b), F.R. Crim. P., which provides: "For the convenience of parties and witnesses, and in the interest of justice, the court upon motion of the defendant may transfer the proceeding as to him or any one or more of the counts thereof to another district."

APPENDIX

The Act of August 28, 1958 (Public Law 85–796), 72 Stat. 962, provided in pertinent part:

> [Sec. 1.] [T]he eighth paragraph of section 1461 of title 18 of the United States Code is amended to read as follows: "Whoever knowingly uses the mails for the mailing, carriage in the mails, or delivery of anything declared by this section to be nonmailable * * * shall be fined * * * or imprisoned * * * or both * * *"[1]
>
> Sec. 2. (a) The first paragraph of section 1462 of title 18 of the United States Code is amended to read as follows:
>
> "Whoever * * * knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—".[2]

* * * * *

As thus amended, 18 U.S.C. 1461 and 1462 provide in pertinent part:

> § 1461. *Mailing obscene or crime-inciting matter.*
>
> Every obscene * * * article, matter, thing, device, or substance * * *
>
> * * * * *
>
> Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

[1] The paragraph had previously read: "Whoever knowingly deposits for mailing or delivery * * *" (18 U.S.C. (1952 ed.) 1461).

[2] The paragraph had previously read: "Whoever * * * knowingly deposits with any express company or other common carrier * * *" (18 U.S.C. (1952 ed.) 1462).

Whoever knowingly uses the mails for the mailing, carriage in the mails, or delivery of anything declared by this section to be nonmailable * * * shall be fined * * * or imprisoned * * * or both * * *.

* * * * *

§ 1462. *Importation or transportation of obscene matters.*

Whoever * * * knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—

(*a*) any obscene * * * matter * * *

* * * * *

Shall be fined * * * or imprisoned * * * or both * * *.

18 U.S.C. 3327(a) provides:

§ 3237. *Offenses begun in one district and completed in another.*

(a) Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Any offense involving the use of the mails, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves.

U.S. GOVERNMENT PRINTING OFFICE: 1968